

Agenda Item	
	Pledge of Allegiance
A-1	Wishing to be heard during the Open Comment Period was Julie Anne Hoffman, 814 Tenth Street S.W. Ms. Hoffman urged the Council to deny any action on a proposed redesign of a 48,000 square foot section of West Soldier's Field Memorial Park between the Van Hook and Postier gardens and the War Memorial. Ms. Hoffman said that replacing a green oasis by a fenced-in big plastic toy resembling a castle was only catering to one special interest group. She said that she first became aware of the redesign of the area when a flyer was placed on her front door. In asking the Park and Recreation Department, she discovered that project planning and fund raising has been effect since July 2004. Materials from the Park Department indicated the group was interested in replacing old playground equipment but nowhere was the plastic structure mentioned.
B-1	President Dennis Hanson called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Pat Carr, Ed Hruska, Jean McConnell, Sandra Means, Bob Nowicki. Absent: Councilmember Marcia Marcoux. Also present: Mayor Ardell F. Brede.
C-1	Councilmembers Hruska moved, Nowicki seconded, to adopt Resolution No. 030-05 referring the petition from Fox Trails Development LLC for Extension of Municipal Utilities and Road Improvement to 19 <sup>th</sup> Street N.W. to the Public Works Department for a feasibility study. Ayes (6), Nays (0). Motion carried.
D-1-29	Councilmembers McConnell moved, Hruska seconded, to approve the following consent agenda items.
D-1	Approved the minutes of the January 19, 2005, council meeting.
D-2	Approved the appointment of Kevin Hasley to the Zoning Board of Appeals for the term ending January 31, 2007.
D-3	Tabled the request from the Boys and Girls Club to waive \$1,900 for rental of the Mayo Civic Center on February 26, 2005, until the final 2005 Community Development Grant Block (CDBG) funds are received.
D-4	Adopted Resolution No. 031-05 entering into a joint funding agreement for river reporting gauge with the U.S. Geological Survey for the South Fork of the Zumbro River at 37 <sup>th</sup> Street N.W.
D-5	Approved the shifting of funds for park improvement projects as follows: CDBG funds of \$80,814 to the Kings Run Development and tax levy dollars of \$40,000 for Joyce Park and \$73,600 to Tennis/Basketball Courts in East Park.
D-6	Approved scheduling a Public Hearing for Wednesday, February 23, 2005, to consider action related to housing code violations at 817 First Street S.W. and moved that no further action is needed in regard to the housing code violations for property located at 1120 Fourth Street S.E.

Agenda Item	
D-7	Approved election judges for the Special First Ward Election to be held on March 1, 2005.
D-8	Adopted Resolution Nos. 032-05 and 033-05 correcting erroneous legal descriptions for the Robert Eide property in Marion Township and Overland Drive N.W. in Cascade Township.
D-9	<p>Approved the following licenses and miscellaneous permits:</p> <p><u>Gambling – Temporary</u>  Fraternal Order of Eagles – Raffle for 52<sup>nd</sup> District Cancer Telethon – February 26, 2005.  American Indian Center of Rochester, Inc. – Raffle at National Guard Armory – March 26 and 27, 2005.</p> <p><u>Heating, Ventilating &amp; Air-Conditioning</u>  Wise-Elite Refrigeration &amp; Heating, Minneapolis  Advanced Plumbing, Owatonna</p> <p><u>Master Installer</u>  Joseph Beckel, Rochester  Jamie D. Robertson, Owatonna</p> <p><u>Sign Installer</u>  APSC Outdoor Signage Solutions, Apple Valley  Demars Signs, Inc., Coon Rapids</p> <p><u>On-Sale Liquor – Temporary</u>  Leukemia Society of Minnesota – Fundraiser at Odd Fellows Lodge – February 17, 2005</p> <p><u>Sidewalk – Cement</u>  Rochester Sewer &amp; Water LLC, Rochester</p> <p><u>Sound Amplification</u>  Lupus Foundation of Minnesota – Lupus Fundraiser Walk – September 11, 2005 – 10:00 AM to 2:30 PM  St. John the Evangelist Catholic Church – Good Friday Procession of the Cross – March 25, 2005 – 5:30 to 6:45 PM  Rochester Public Utilities – Arbor Day Celebration – April 29, 2005 – 10:00 AM to 2:00 PM</p> <p><u>Miscellaneous</u>  Rochester Police Athletic League – Flag Football for Winterfest – February 12, 2005  National Alliance for the Mentally Ill – Non-Profit Walk – May 14, 2005.  Dr. Raymond Murray – Jessica Murray Memorial Run – August 6, 2005.  Lupus Foundation of Minnesota – Lupus Fundraiser Walk – September 11, 2005 – 10:00 AM to 2:30 PM</p>

Agenda Item	
	<p style="text-align: center;">St. John the Evangelist Catholic Church – Good Friday Procession of the Cross – March 25, 2005 – 5:30 to 6:45 PM</p> <p style="text-align: center;">Rochester Public Utilities – Arbor Day Celebration – April 29, 2005 – 10:00 AM to 2:00 PM</p>
D-10	Approved the transfer of the On-Sale Intoxicating Liquor and Sunday Licenses for Azteca Mexican Restaurant, 18 Ninth Street S.E., from Jose R. Lopez to Victorio P. Perez.
D-11	Approved Accounts Payable in the amount of \$9,020,627.99 and Investment Purchases of \$19,373,928.13.
D-12	See at end of D Items.
D-13	Adopted Resolution No. 034-05 approving the 2005-2007 IBEW Local #949 (Outside and Inside) Labor Agreement.
D-14	Adopted Resolution No. 035-05 approving the 2005-2007 Inspector's Association Labor Agreement.
D-15	Adopted Resolution No. 036-05 approving the application and acceptance of the Operation NightCAP Grant with the Minnesota Department of Public Safety, Minnesota State Patrol, for the period of 2004-2005, and authorized the execution of agreements and amendments.
D-16	Adopted Resolution No. 037-05 amending the 2004 City/Rochester City Lines contract providing for a maximum amount payable to Rochester City Lines of \$1,503,876.
D-17	Adopted Resolution No. 038-05 entering into a contract with Walker Parking Consultants of Minneapolis to conduct a condition survey and report for the Center Street Parking Ramp in an amount not to exceed \$34,900.
D-18	Adopted Resolution No. 039-05 acknowledging the City's support and sponsorship of the project for a Bituminous Path Parallel to East Circle Drive between CSAH-2 (near Century High School) and TH63 (North Broadway & East Circle Drive), and authorizing the filing and administration of the application including commitment to secure and guarantee the local share of the project costs including the construction costs, all the design and inspection costs, and all the right-of-way costs.
D-19	Adopted Resolution No. 040-05 approving the execution of a Pedestrian Facilities Agreement with Staples & Staples, LLC for Lot 1, Block 1, Auditors Plat "D" First Replat, located at 16 <sup>th</sup> Avenue and Civic Center Drive N.W.
D-20	Adopted Resolution No. 041-05 approving the execution of a Pedestrian Facilities Agreement with Staples & Staples, LLC for Lot 2, Block 1, Green Meadows First Subdivision.

Agenda Item	
D-21	Adopted Resolution No. 042-05 approving the execution of a Pedestrian Facilities Agreement with John Phan and Lynn Nguyen for Lots 9, 10, 11, 12, 13, First Evangelical United Brethren Church Re-Subdivision of Outlot A and Block 4, Sehl's Second Subdivision.
D-22	Adopted Resolution No. 043-05 approving the execution of a Pedestrian Facilities Agreement with Southmetro Centers VI, LLC for Linen N Things, on Lot 1, Block 1, Apache Mall Shopping Center Re-Subdivision No. 2.
D-23	Adopted Resolution No. 044-05 approving an engineering service agreement with Yaggy Colby Associates, Inc. in the amount of \$12,325 for the detailed design of the channel stabilization improvements for the Storm Water Pond System in Baihly Woodland/Baihly Heights Area.
D-24	See at end of D Items.
D-25	Adopted Resolution No. 045-05 awarding the contract for Project No. M0-74 (J-9708) "Construct Overland Drive N.W. from Bandel Road to 18 <sup>th</sup> Avenue N.W." to Rochester Sand & Gravel in the amount of \$1,973,891.88.
D-26	Adopted Resolution No. 046-05 adding Paragraph 332 to Section B, "No Parking" of the Comprehensive Traffic and Parking Resolution Book, to read:  (332) 15 <sup>th</sup> Avenue NW, from the intersection with 16 <sup>th</sup> Avenue NW (north of Elton Hills Drive NW) to 90 Feet more or less, north of 16 <sup>th</sup> Avenue NW, on the west side, from 7:00 AM to 5:00 PM, school days only.
D-27	Adopted Resolution No. 047-05 approving the execution of Amendment 1 to the May 3, 2004, Engineering Service Agreement with Yaggy Colby & Associates for engineering services of the TH 14 West Pedestrian Bridge in an amount not to exceed \$20,200.00.
D-28	Adopted Resolution No. 048-05 entering into a professional agreement with SRF Consulting Group, Inc., in an amount not to exceed \$33,039, for Project No. J-6006 "Traffic Study of Broadway (TH 63) from 14 <sup>th</sup> Street North to 6 <sup>th</sup> Street South".
D-29	Adopted Resolution No. 049-05 awarding the contract for Project No. J-6516 "Rehabilitation and Stabilization of Meadow Run Drainage Way" to Winona Mechanical in the amount of \$119,320.90.  Ayes (6), Nays (0). Motion carried.
D-12	Councilmember Nowicki wanted to commend Greg Neumann for helping out in Iraq and wish him well over the next year and let him know that we appreciate what he is doing for us.

Agenda Item	
D-24	<p>Councilmembers McConnell moved, Nowicki seconded, to approve a one-year unpaid leave of absence from the Rochester Fire Department for Firefighter Greg Neumann. Ayes (6), Nays (0). Motion carried.</p> <p>Mayor Brede wanted to ask if there was any opportunity for the Police and Fire Departments to participate in any training when the former Art Center is being demolished. Steve Kvenvold, City Administrator, said that he would look into the possibility for use.</p> <p>Councilmember Hruska noted that the award was being given to a company whose bid was considerably lower than other bids. He asked what type of condition the site would be left in when the former Art Center demolition is completed.</p> <p>Doug Nelson, Public Works Department, said that the site would be left as an aggregate surface and next year the area would be paved.</p> <p>Councilmembers Hruska moved, Nowicki seconded, to adopt Resolution No. 050-05 awarding the contract for Project No. J-1003 "Demolition of the Former Art Center Facility" to MJ Neisen Asphalt, Inc. in the amount of \$24,850.00. Ayes (6), Nays (0). Motion carried.</p>
E-1	<p>A Continued Hearing to Consider Expansion of Residential Permit Parking Zone 5 on 12<sup>th</sup> and 13<sup>th</sup> Avenue N.W. between 4<sup>th</sup> and 4 ½ Streets N.W.</p> <p>Having no one wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Means moved, Hruska seconded, to reject the request for Expansion of Residential Permit Parking Zone 5 on 12<sup>th</sup> and 13<sup>th</sup> Avenue N.W. between 4<sup>th</sup> and 4 ½ Streets N.W. Ayes (6), Nays (0). Motion carried.</p>
E-2	<p>A Hearing on Type III, Phase II Conditional Use Permit #04-44, by Waterfront Business Park LLC and Southern Woods Development LLC located south of 48<sup>th</sup> Street SW, west of TH63 and east of the Southern Woods development.</p> <p>Wishing to be heard was Jeff Griffin, GGG Engineering, Chatfield, representing the developer. Mr. Griffin said that the last time he spoke about the development in front of the Council was in July 2004. At that time, the Waterfront Business Park was landlocked and the Council asked that an agreement be worked out between the developer and the neighbor to the north. The plan this evening is a joint agreement between the two parties. Mr. Griffin said that at the first neighborhood meeting, the pond was shown along Highway 63 with the lots backed up to the neighbors. The neighbors asked that the lots be along the highway and use the pond as a buffer between the neighbors and the development. At that point the Council approved the Land Use Plan, the Rezoning and the General Development Plan. Mr. Griffin said that CUP before the Council is to start the grading portion of the project. The project is proposed in two phases. All information on the project has been approved by the DNR and a request has been sent to FEMA to correct the error in the flood plain study. Prior to the approval of FEMA, the developers would like to fill the pond up to the elevation of the water which would not take away</p>

Agenda  
Item

any storage capacity. They would also like to fill the areas outside the flood fringe protected by the flood plain rules. The remainder of the grading will be accomplished after approval from FEMA has been received.

Councilmember McConnell noted that the Planning and Zoning Commission was concerned about where the fill would be coming from. Jeff Griffin said that the fill would come from the northwest quadrant of the 48<sup>th</sup> Street/TH63/Commercial Drive intersection.

In answer to a question from Councilmember Means on a waiver request from Public Works, Jeff Griffin said that the City Public Works Department was concerned about the 2 to 1 back slope on a portion of the grading. A geotechnical engineer will submit a report to augment the grading plan per Public Works. Richard Freese, Public Works Director, confirmed that the grading plan will not be approved until the geotechnical report is received and approved by the staff. Terry Adkins, City Attorney, asked if Council can approve the waiver subject to the results of the report showing the soils in the back slope are stable. Mr. Freese answered yes.

Terry Adkins, City Attorney, asked what the purpose of the variances was. Jeff Griffin stated that one reason for one variance is that the road proposed along Highway 63 is closer than the shoreline regulations; i.e., 75 foot setback required and the road is at 70 feet in a couple of places. There is currently a haul road at 50 feet. The 50 foot road will be removed, the site re-established as native vegetation in coordination with the DNR, and the road setback 70 feet from the shoreline. The second variance is in regard to removal and replacement of trees. The present trees are those that grew around a mining pit and not a wooded area. They felt that there should be some relief in the ratios for the development.

Wishing to be heard was Dennis Nigon, 650 Southern Woods Circle S.W. He said that their townhome association is directly west of the proposed changes. Mr. Nigon said that at the time of the January 12<sup>th</sup> Planning and Zoning Commission meeting, there were a number of recommendations that had not been met and may not be met. Mr. Nigon said that one of the biggest concerns is that there is a significant amount of water in that 9-acre pond that will be filled to about 7 acres. There is a significant amount of water and wetland behind the townhomes and they have no measure of confidence that if this pond is filled there won't be flood problems. The area, which lies in the 100-year flood plain has many potholes of water and one of the major holders of water is now proposed to be filled by it. All of this water has to be pumped somewhere. With the level of the property surrounding them being raised, Mr. Nigon said that they would be sitting in the bottom of a hole. As of January 12<sup>th</sup>, no permit had been secured for the filling of wetlands that he has been made aware of.

Wishing to be heard was Jeff Griffin, GGG Engineering. Mr. Griffin said that the new pond will be a regional stormwater collector. They are working with the City on the building of berms around the pond. The water that is currently in the gravel pit will be diverted to the stormwater pond for storage to be released over a longer period of time. Mr. Griffin said that they have a complete wetland delineation plan

Agenda  
Item

on both pieces of property that will be approved by the DNR and the Corps shortly. The gravel pit will be filled to the level that it was prior to being a gravel pit.

Wishing to be heard was Don Frerichs, 644 Southern Woods Circle S.W. He said that the berm that is being discussed is on the south and east end of the townhome association development; about three or six units. He said his concern is that the berm can't be completed to encompass the townhomes. The ponds in back are filled. Prior to two years there was water up to where the lots of Southern Woods Development come up to the park property. The previous surveying had been done by Mr. Griffin and he had said that the property was not appropriate for development of this kind. Mr. Frerichs said that when the 100-year flood happened, he was in this spot with a rowboat. He said that the berm will not protect a lot of the townhome development because they are downstream. Mr. Frerichs also discussed the number of trees that would be planted. He said that the trees to the north are to be removed and they have not been told how many will be planted and if they will be a buffer to the north and east of their townhomes. He said he would like to see the actual permits from the DNR because in talking with them a few weeks ago, they had problems with the development. Mr. Frerichs said that not everything should be developed. He made mention of the beaver in the area that have dammed up the drainage area. The beaver have destroyed a large number of trees and will have to be re-located.

Wishing to be heard was Jeff Griffin, GGG Engineering. Mr. Griffin said that at the neighborhood meetings they agreed to provide spruce trees much larger than required by the ordinance along the berm along the west side of the proposed stormwater pond. Mr. Griffin said that the area where the beavers are located won't be affected by them. They will only be clearing trees along Highway 63.

Wishing to be heard was Martha Kurth, 727 Southern Woods Circle S.W. She is concerned about the land owned by Randy Reynolds to the north of the townhome development. She said that there would be approximately 27 feet of fill added to the property. Mrs. Kurth is concerned about the possibility of future flooding with all of the various projects happening in the area; i.e., filling of areas, interchanges of the highway, developments, etc. She said that something will be needed to block the sound from the highway if trees are removed. She is concerned about a possible rumor of a convenience store/gas station being built on the corner of 48<sup>th</sup> Street. Mrs. Kurth said that the value of their homes will be affected with the added water, noise and lighting.

Mike Nigbur, Public Works Department, said that all grading is verified before any development takes place on the site. Mr. Nigbur said that another assurance for the neighbors is that this is a federally-mandated floodway and elevations cannot deviate from those standards.

Having no one further wishing to be heard, President Hanson closed the hearing.

Jeff Griffin, GGG Engineering, noted that he agrees with the 13 conditions.

Agenda Item	
E-3	<p>Councilmembers Hruska moved, Means seconded, to approve Conditional Use Permit #04-44, by Waterfront Business Park LLC and Southern Woods Development LLC with 13 conditions and adopted Resolution No. 051-05 approving a Substantial Land Alteration. Ayes (6), Nays (0). Motion carried.</p> <p>Councilmembers Means moved, Hruska seconded, to approve a waiver to the maximum slope requirements of the Land Development Manual 62.1109.2.d pursuant to the City Engineer's review and approval of a geotechnical report addressing the stability of the slope. Ayes (6), Nays (0). Motion carried.</p> <p>A Hearing to create the Harvestview II Special District #16 and rezone property to the Special District on property located along the north side of 55<sup>th</sup> Street NW, along the east side of 60<sup>th</sup> Avenue NW, along the south side of the Douglas Trail and west of the Harvestview development.</p> <p>Wishing to be heard was Andy Masterpole, McGhie &amp; Betts, representing the applicant. Mr. Masterpole said that his comments would apply to items E-3 and E-4. He said that this is the second phase of construction for Harvestview. He said that there is approximately 35 acres of land in the northwest corner not owned by Bigelow at this time, the Ohnstad property, 40 acres along the Douglas Trail owned by the City and 9 acres owned by the School District for an elementary school. The stormwater management is an issue. The City is requesting an additional 17 acres along the Douglas Trail in addition to the 40 already owned to construct another pond. Mr. Masterpole said that the additional 17 acre pond would not be feasible to the project where it is projected to be put. They are currently looking at alternatives and have agreed to Condition #11, as proposed by the Public Works Department, that allows the developer to proceed until the stormwater management needs for the development are more clearly understood by the City and developer. Mr. Masterpole said there were two items added to the Special District. The entry development signage to be allowed. The ordinance has been amended to allow for one development sign per arterial or entry street. At present only two signs would be allowed. He felt there should be more flexibility with the sign ordinance. They have only three accesses. He would like more entry signs allowed if needed. The second issue Mr. Masterpole wanted to talk about was the mid-block walkways. There are three instances where there are mid-block walkways. A 30-foot wide access with a paved ten-foot wide path is required by the ordinance. He would like this to be changed to only a five-foot wide path primarily because of scale in the Special District. Mr. Masterpole said ten feet seems excessive in the amount of pavement and runoff for the path when it will never be used for that capacity.</p> <p>Mitzi Baker, Planning Department, said that there is a text amendment on its way to the Council to allow for additional signage necessary to identify the development. In regard to the mid-block ten-foot wide path, there were consultations with other departments to change this to a five-foot width. The consensus of all departments was that it should not be changed to a five-foot path as that change would be requested by all developments.</p> <p>Councilmember Carr asked who would be maintaining the walkways. Mr. Masterpole replied the City. Mike Nigbur, Public Works Department, said that the City's snow removal equipment is not made to handle narrow five-foot paths.</p>



Agenda Item	
E-4	<p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers McConnell moved, Hruska seconded, approving the Creation of the Harvestview II Special District #16 and rezone property to the Special District and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.</p> <p>The Council recognized Boy Scout Troop 296 from the Rochester area.</p> <p>A Hearing on General Development Plan #241 by Joel Bigelow &amp; Sons Enterprises, Inc. to be known as Harvestview II on property located along the north side of 55<sup>th</sup> Street NW, along the east side of 60<sup>th</sup> Avenue NW, along the south side of the Douglas Trail and west of the Harvestview development.</p> <p>Wishing to be heard was Andy Masterpole, McGhie &amp; Betts, representing the developer. Mr. Masterpole wanted to make it clear to the Council that they understood that the request for a five-foot walkway rather than a ten-foot mid-block walkway was just for this development.</p> <p>Councilmember Carr asked Richard Freese, Public Works Director, if an eight-foot mid-block walkway would be possible. Eight feet can be paved and plowed. Mr. Freese agreed.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Nowicki moved, McConnell seconded, to approve General Development Plan #241 by Joel Bigelow &amp; Sons Enterprises, Inc. to be known as Harvestview II with 12 conditions and adding Condition 13 to say that the General Development Plan can accommodate eight-foot mid-block walkways and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (6), Nays (0). Motion carried.</p>
E-5	<p>A Hearing on Type III, Phase II Amendment to Restricted Development Conditional Use Permit #00-13 by Galen &amp; Patricia Youngkrantz, to allow for expansion of Autumn Woods RV Park located along the east side of 11<sup>th</sup> Avenue SW, south of Scenario Lane SW, and north of 10<sup>th</sup> Avenue SW.</p> <p>Wishing to be heard was Steve Voight, Southeastern Engineering, representing the developer. He noted agreement with the six conditions.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmember Means moved, Hruska seconded, to adopt Resolution No. 052-05 approving Amendment to Restricted Development Conditional Use Permit #00-13 by Galen &amp; Patricia Youngkrantz with six conditions. Ayes (6), Nays (0). Motion carried.</p>
E-6	<p>A Hearing on Amendment to Special District #15 known as Valley Side Estates Three Subdivision Special District by Freedom Development &amp; Consulting, LLC</p>

Agenda  
Item

located east of 40<sup>th</sup> Avenue SE and south of Highway 14 East, east of Valleyside Estates Second Subdivision.

Wishing to be heard was Dave Bell, Freedom Development and Consulting. He said that the Special District was to do some architectural designs; i.e., screening, equipment on the side of the homes, sheds tied to the building design, all front doors have to have windows, etc. He said that all garages are being set back rather than forward as well. The mistake when the drawings were complete had the curb cut at 14 feet. A double garage area with two cars parked in front does not allow for backing up one car without going across the boulevard or yard and over the curb. They asked to widen the curb cut to 16 to 18 feet.

Having no one further wishing to be heard, President Hanson closed the hearing.

Councilmembers Nowicki moved, McConnell seconded, to approve the Amendment to Special District #15 known as Valley Side Estates Three Subdivision Special District by Freedom Development & Consulting, LLC and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.

E-7

A Hearing on Preliminary Plat #04-48 to be known as Kingsbury Hills Seventh by Joel Bigelow & Sons Enterprises, Inc and approval of a Substantial Land Alteration permit on property located east of Lionhart Drive NW, south of 51<sup>st</sup> Street NW and allows for the continuation of King Arthur Drive NW.

Wishing to be heard was Ward Opitz, Bigelow Enterprises. Mr. Opitz said that they were in agreement with the six conditions.

Having no one further wishing to be heard, President Hanson closed the hearing.

Councilmembers Hruska moved, Nowicki seconded, to approve Preliminary Plat #04-48 to be known as Kingsbury Hills Seventh by Joel Bigelow & Sons Enterprises, Inc. with six conditions and adopted Resolution No. 053-05 approving a Substantial Land Alteration permit and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (6), Nays (0). Motion carried.

E-8

A Hearing on Final Plat #05-02 by Excel Custom Homes, Inc. to be known as Excel Estates CIC #263 located along the south side of Charles Court NW and along the west side of 26<sup>th</sup> Avenue NW.

Wishing to be heard was Wade DuMond, Yaggy-Colby, representing the developer. Mr. DuMond said that they were in agreement with the five conditions.

Having no one further wishing to be heard, President Hanson closed the hearing.

Councilmembers Nowicki moved, Hruska seconded, to adopt Resolution No. 054-05 approving Final Plat #05-02 by Excel Custom Homes, Inc. to be known as Excel Estates CIC #263 with five conditions. Ayes (6), Nays (0). Motion carried.

Agenda Item	
E-9	<p data-bbox="358 342 1450 447">A Hearing on Final Plat #05-03 by Big De Development LLC to be known as Bandel North Second Townhomes located along the south side of the future Overland Drive NW and along the west side of Bandel Drive NW.</p> <p data-bbox="358 478 1450 646">Wishing to be heard was Ward Opitz, Bigelow Enterprises. He said that the reason for the replat was that two of the lots were sold to a builder and his buildings are not the same size the lots were staked out for. Three lot lines were switched to accommodate the new buildings. Mr. Opitz said that they are in agreement with the two conditions.</p> <p data-bbox="358 678 1450 720">Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p data-bbox="358 751 1450 877">Councilmembers Hruska moved, McConnell seconded, to adopt Resolution No. 055-05 approving Final Plat #05-03 by Big De Development LLC to be known as Bandel North Second Townhomes with two conditions. Ayes (6), Nays (0). Motion carried.</p>
E-10	<p data-bbox="358 919 1450 1014">A Hearing on Annexation Petition #04-21 by Jeff Piepho and Rochester Montessori School located north of 7<sup>th</sup> Street NW, east of 50<sup>th</sup> Avenue NW and Valley Drive NW.</p> <p data-bbox="358 1045 1450 1182">Wishing to be heard was Pete Schuller, AB Systems, 29 Wood Lake Drive S.E., representing Montessori School. He said the purpose of the annexation is to construct a new Montessori School of 20,000 square feet. He said to have City sewer and water the annexation is necessary.</p> <p data-bbox="358 1213 1450 1255">Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p data-bbox="358 1287 1450 1413">Councilmembers Nowicki moved, Carr seconded, to approve Annexation Petition #04-21 by Jeff Piepho and Rochester Montessori School and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.</p>
E-11	<p data-bbox="358 1455 1450 1518">A Hearing on Annexation Petition #04-22 by Stanley &amp; Susan Dodge to annex land located east of TH 63 and south of 48<sup>th</sup> Street NE and west of 22<sup>nd</sup> Avenue NE.</p> <p data-bbox="358 1549 1450 1623">Wishing to be heard was Wade DuMond, Yaggy Colby Associates, representing the developer. Mr. DuMond was available for questions from the Council.</p> <p data-bbox="358 1654 1450 1696">Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p data-bbox="358 1728 1450 1822">Councilmembers Nowicki moved, Hruska seconded, to approve Annexation Petition #04-22 by Stanley &amp; Susan Dodge and instructed the City Attorney to prepare the required ordinance for adoption. Ayes (6), Nays (0). Motion carried.</p>
E-12	<p data-bbox="358 1854 1450 1917">A Hearing to Determine Adequate Public Facilities for Pebble Creek Final Plat #03-48.</p>

Agenda Item	
	<p>Wishing to be heard was Chuck DeWitz, 604 11<sup>th</sup> Avenue N.W. Mr. DeWitz said that they have reached an agreement with the Public Works Director on the public facility requirements needed in order to be able to move forward with the project. Terry Adkins, City Attorney, said that the Findings of Fact require the execution of a Contribution Agreement and the City/Owner Contract. He said that the Public Works Director is recommending that the item be continued until the February 23, 2005, meeting to give time for the two documents to be prepared and executed.</p> <p>Councilmembers Means moved, Nowicki seconded, to continue the public hearing on Adequate Public Facilities for Pebble Creek Final Plat #03-48 to the February 23, 2005, meeting. Ayes (6), Nays (0). Motion carried.</p>
G-2a	<p>An Ordinance Creating and Enacting Chapter 64Q, and Amending and Reenacting Section 60.327 of the Rochester Code of Ordinances, Relating to the Establishment of the Harvestview II Special District, was given a first reading. (Special District #16)</p>
G-2b	<p>An Ordinance Amending and Reenacting Subdivision 3 of Section 64P.300 of the Rochester Code of Ordinances, Relating to the width of a Driveway Curb Cut in the Valley Side Estates Three Subdivision Special District, was given a first reading.</p>
G-2c	<p>An Ordinance Annexing to the City of Rochester Approximately 15 Acres of Land Located in a Part of the Southeast Quarter of the Southeast Quarter of Section 30, and a Part of the Northeast Quarter of the Northeast Quarter of Section 31, Township 107 North, Range 14 West, Olmsted County, Minnesota, was given a first reading. (Annexation Petition #04-21 - North of 7<sup>th</sup> Street N.W., East of 50<sup>th</sup> Avenue N.W. and Valley Drive N.W.)</p>
G-2d	<p>An Ordinance Annexing to the City of Rochester Approximately 58.29 Acres of Land Located in the Southeast Quarter of Section 13, Township 107 North, Range 14 West, Olmsted County, Minnesota, was given a first reading. (Annexation Petition #04-22 – East of Highway 63, South of 48<sup>th</sup> Street N.E., West of 22<sup>nd</sup> Avenue N.E.)</p>
G-3a	<p>An Ordinance Establishing the Salaries of the Mayor, Councilmember-At-Large, and Councilmember for 2005, was given a second reading. Councilmembers moved, seconded, to adopt the Ordinance as read. Ayes (6), Nays (0). Motion carried.</p>
G-3b	<p>An Ordinance Amending and Reenacting Subdivision 1 of Section 138A.04 and Subdivision 1 of Section 138.06 of the Rochester Code of Ordinances, Relating to Unauthorized Residential Parking Permits, was given a second reading. Councilmembers moved, seconded, to adopt the Ordinance as read. Ayes (6), Nays (0). Motion carried.</p>

Agenda  
Item

J-1

Having no further business, Councilmembers moved, seconded, to adjourn the meeting to 4:00 P.M. on February 14, 2005. Ayes (6), Nays (0). Motion carried.

  
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City Clerk